

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3972 OF 2014

Suhel Shabbir Shaikh

.... Petitioner

versus

Deputy Collector & Ors.

... Respondents

.....

- Mr.Milind R. Deshpande, Advocate for Petitioner.
- Mr.S.B. Kalel, AGP for Respondent Nos.1 and 3.

**CORAM : SHANTANU S. KEMKAR &
SARANG V. KOTWAL, JJ.**

DATE : 18th SEPTEMBER, 2018.

P.C. :

Parties through their Counsel.

2. Challenging the order dated 22/08/2013 passed by the Respondent No.1 Caste Scrutiny Committee No.1 Solapur, by which the Petitioner's caste validity claim has been rejected, the Petitioner has filed this Petition under Article 226 of the Constitution of India.

3. After filing of this Petition, the Petitioner's first cousin

Shaikh Sahil Salim has been granted Caste Validity Certificate on 18/05/2015 by the same committee i.e. the First Respondent. In the circumstances, according to learned Counsel for the Petitioner, in view of the law laid down by the Division Bench of this Court in the case of *Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 & Ors, reported in 2010 (6) Mh.L.J. 401*, the Petitioner is entitled to get his caste certificate validated.

4. Having considered the submissions made by the learned Counsel for the parties and having regard to the fact that the Petitioner's first cousin has been granted caste validity certificate, we dispose of this Petition by setting aside the impugned order and remanding the matter back to the Caste Scrutiny Committee for fresh decision, keeping in view that the Caste Validity Certificate issued to the Petitioner's first cousin and the law laid down in the case of *Apoorva Nichale* (Supra).

5. Let the decision as aforesaid be taken by the

Committee within four months from the date of the appearance of the Petitioner before the said Committee. The Petitioner to appear before the Committee on 09/10/2018.

6. Accordingly, the petition is disposed of.

(SARANG V. KOTWAL, J.)

(SHANTANU S. KEMKAR, J.)